

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

ALISHA WILSON WILKES,)
)
PLAINTIFFS,)
) Civil No.
)
GMAC MORTGAGE, LLC, et. al.,) 1:10cv1160(CMH-TRJ)
)
DEFENDANTS,)
)

This is the discovery videotaped deposition of OSCAR MARQUIS, taken in the above-entitled cause before GWENDOLYN BEDFORD, a Notary Public and Certified Shorthand Reporter within and for the County of Cook, State of Illinois, taken at the offices of TROUTMAN SANDERS, 55 West Monroe Street, Suite 3000, Chicago, Illinois, held on the 8th day of June, 2011 at 1:27 p.m., pursuant to notice.

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1 how information is to be reported on consumers by
2 furnishers to credit bureaus?

3 A Yes.

4 Q When is the last time, before today, you have
5 seen a copy of any of the CDIA Credit Reporting
6 Resource Guides?

7 A I think I saw this one before.

8 Q You saw the 2008 one?

9 A Yes, I believe so.

10 Q Are you aware of any material changes --

11 A I believe I saw this one before. I
12 participated in an online training session on the use
13 of the Oscar system and this may be the document that
14 we were using at the time. Go ahead.

15 Q Sure. Have you ever heard of the expression
16 "Metro"?

17 A Yes.

18 Q What does that mean in the credit reporting
19 context?

20 A It's the format -- Metro 2 is the format
21 under which data is provided to consumer reporting
22 agencies by furnishers.

23 Q When you were working for Trans Union --

24 A Yes.

25 Q -- what was the standard use?

1 A It may have been Metro 1. Initially,
2 furnishers provided information in their own formats
3 and the credit bureaus converted it to their own
4 formats. And at some point a uniform standard was
5 established.

6 Q When the original standard that was -- the
7 original uniform establish -- I'm sorry. The original
8 uniform standard that was established is what is
9 referred to as Metra?

10 A I believe so, yes.

11 Q And sometime in the mid 2000s, sometime
12 during the last decade in the middle of it, the CDIA
13 created the new format which is Metro 2?

14 A Yes.

15 Q And this document, Exhibit 2, is the 2008
16 guide put out by those credit bureaus to explain Metro
17 2?

18 A Well, it's put out by the trade association,
19 but, yes.

20 Q But the trade association is largely
21 controlled by Equifax, Trans Union and Experian,
22 correct?

23 A Largely controlled, yes. But there are other
24 members.

25 Q There are other members. And there is

1 something called the Metro Tax Force, correct?

2 A Yes.

3 Q And it's represented largely by employees
4 from Equifax, Trans Union and Experian, correct?

5 A Yes. And the process server is here now.

6 MR. BENNETT: Okay. Let's take a break.

7 THE VIDEOGRAPHER: We're going off the
8 record. The time is 2:13 p.m.

9 (BRIEF PAUSE)

10 THE VIDEOGRAPHER: We're back on the record.

11 The time is 2:14 p.m.

12 BY MR. BENNETT:

13 Q Mr. Marquis, again back with Exhibit 2. The
14 Metro 2 format is the actual computer to computer
15 format that a creditor such as GMAC Mortgage would use
16 to convey its information on a consumer like Miss
17 Wilkes to the credit bureau, correct?

18 A Yes.

19 Q What we see in credit reports with human
20 readable information that is in there is a formatting
21 or appearance change from the actual coding provided by
22 the creditor, correct?

23 A I'm not sure I understand that question.

24 Q Well, for example, we'll get into some
25 detail. In this case some of Miss Wilkes credit

1 reports show that this GMAC account was reported with
2 the commentary of foreclosure started. Have you ever
3 seen that?

4 A Yes, I have.

5 Q But GMAC Mortgage doesn't actually send any
6 of the reporting regarding Miss Wilkes or any of its
7 customers using the English language foreclosure
8 started, correct? They use a code?

9 A Right.

10 Q And that's true for payment status and a
11 number of different data fields that GMAC maintain on a
12 consumer's account?

13 A Correct.

14 Q And those codes and how they can be described
15 on output to people who might read them in reports,
16 those codes are detailed in this Credit Reporting
17 Research Guide?

18 A Yes.

19 Q So let's go through some of this. And by the
20 way, how familiar are you with the industry standards
21 for how such data is to be communicated in this Metro 2
22 format?

23 A What do you mean by "how familiar"? I don't
24 know how to answer that. Let me answer it this way.
25 I'm not familiar with the detail. Not with the code.

1 Q Can you name any of the fields that are
2 reported in a mortgage trade line?

3 A Well, I don't know what you mean by "name
4 fields". Mortgage trade line reports, the mortgager,
5 the dates, the high credit or the amount of the
6 mortgage, the monthly payment, current activity.

7 Q Well, I'm looking -- I'm looking at your
8 report. You say can use a segment or field.

9 A Yes.

10 Q What segment or field?

11 A I don't know.

12 Q Within the actual Metro 2 trade line. Not
13 what is a layperson would read in a credit report. You
14 are supposed to be the expert on the behind the scenes
15 stuff, right?

16 A I'm not the expert on the Metro 2 format or
17 the field segments. I know what the credit report
18 looks like. And to get it into the credit report it
19 has to be information that has to be in a particular
20 field in the Metro 2 format.

21 Q Well, so is that -- with respect to
22 understanding the substance of what has been reported
23 by a consumer as opposed to what the Fair Credit
24 Reporting Act is. What is your -- what are you an
25 expert in besides what is Fair Credit Reporting Act